

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, APRIL 19, 1988

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:52 a.m. The meeting was recessed by Mayor O'Connor at 11:50 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council Member Wolfsheimer at 2:15 p.m. with Mayor O'Connor and Council Members Roberts, McColl, and Struiksma not present. Mayor O'Connor adjourned the meeting at 3:52 p.m. into Closed Session at 3:52 p.m. to discuss Meet and Confer issues with the City's Management Team.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-excused by R-270901
(Illness)
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (jb/tm)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-not present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-310:

Two actions relative to authorizing suggestion awards to the following employees:

Subitem-A: (R-88-1982) ADOPTED AS RESOLUTION R-270758

Lori Vereker - Water Utilities Department - \$407.53.

Jacqueline Clayton - Building Inspection Department - \$315.

Billie Johnson - Water Utilities Department - \$90.

James O'Neill - Police Department - \$90.

Subitem-B: (R-88-1983) ADOPTED AS RESOLUTION R-270759

Edna Gonzales - Library Department - \$80.

Richard Gammon - General Services Department - \$45.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A010-020.)

MOTION BY McCARTY TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Apr-19-1988

ITEM-311: WELCOMED

Welcoming a group of approximately 25 students from Evans School, who will attend this meeting accompanied by Carolyn Runyan, their teacher. This group will arrive at approximately 10:00 a.m.
(District-1.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A021-030.)

ITEM-330: CONTINUED TO MAY 31, 1988, AT 10:00 A.M.

(Continued from the meetings of November 30, 1987, Item 33, January 26, 1988, Item 310 and March 8, 1988, Item 310; last continued at Council Member Struiksma's request, for further review.)

Matter of the request of Friends of Chabad Lubavitch, by Rabbi Yonah Fradkin, for a hearing of an appeal from the decision of the Planning Commission in denying Planned Infill Residential Development Permit and Tentative Map PIRD and TM-87-0382 (Stadium Village), proposing a 33-lot subdivision and construction of 28-single-family detached dwelling units. The subject property (approximately 26.78-acres) is located west and east of Mission Village Drive between Friars Road and Ronda Avenue, in Zones

R1-5000 and R1-40000 HR, in the Serra Mesa Community Plan area. The subject property is further described as a portion of Lot 41 of Rancho Mission of San Diego. (PIRD & TM-87-0382. District-5.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM PIRD 87-0382; SUBD - Stadium Village
COUNCIL ACTION: (Tape location: A031-053.)

MOTION BY STRUIKSMA TO CONTINUE TO MAY 31, 1988, AT 10:00 A.M., AT HIS REQUEST. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-88-1693) ADOPTED AS RESOLUTION R-270760

Acquiring 5.41 acres of Rancho Mission Canyon for the Open Space Park Facilities District No. 1; authorizing the expenditure of an amount not to exceed \$75,000 as payment for said property and related costs from Open Space Park District Bond Fund 79103; authorizing the City Manager to accept the deed to said property without further Council action.

(Navajo Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: Rancho Mission Canyon (Navajo A & B) is the number 38 priority, in Category B, on the Council's adopted open space retention list. This land, which consists of seven parcels totalling 5.41 acres, is located between Mission Gorge Road, Jackson Drive, Navajo Road and Princess View. On November 21, 1983, Council adopted Resolution R-259663, which approved an acquisition plan including these parcels, along with funds to have them appraised for purposes of acquisition for open space. On November 24, 1987, Council approved acquisition of the major parcels in this canyon; that acquisition has been completed. We stated at that time that if that acquisition was approved, a follow-up request would be forwarded asking for acquisition approval of minor parcels in this canyon, totalling approximately 5.4 acres, necessary to provide continuous public access. This request is for \$75,000 which would provide funds to purchase these parcels at fair market value plus funds to cover title, escrow and other miscellaneous costs.
Aud. Cert. 8800762.

FILE LOCATION: STRT OS-25

COUNCIL ACTION: (Tape location: A054-065.)

Hearing began at 10:57 a.m. and halted at 10:58 a.m.

MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

(Continued from the meeting of January 20, 1987, Item 333, at Council Member Wolfsheimer's request.)

A request to rezone Lots 8-12, Block 3, Del Mar Terrace, Map-1527, (approximately 21,981-square-feet), located on the west side of Via Borgia, between Via Aprilia and Carmel Valley Road, in the Torrey Pines Community Plan area, from Zone R1-5000 to Zone CN.

(Case-85-0243. District-1.)

Subitem-A: (R-87-908) FILED AS A RESULT OF DENYING THE
REZONE

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-85-0243 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-87-104) DENIED

Introduction of an Ordinance for CN Zoning.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A066-570.)

Hearing began at 10:58 a.m. and halted at 11:32 a.m.

Testimony in favor by Frazier Armbruster.

Testimony in opposition by Carol Ozaki, Cy Morgan, Richard Garlock, Sandra Goldberg and Ted Goldberg.

Hearing closed by Mayor O'Connor.

MOTION BY WOLFSHEIMER TO DENY THE REZONE. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333:

Appeal of Grant Hill Community Action, by Jesse L.

Albritten, from the decision of the Planning Commission in granting Southeast San Diego Planned District Development

Permit SESDPD-87-0840, proposing construction of 14 attached dwelling units within two three-story buildings with attached garages. The project also proposes a 1.25 density bonus for low-income housing. The subject property (approximately 0.38-acres) is located on the north side of Market Street between 26th and 27th Streets, in Zone MF-1500, in the Southeast San Diego Community Plan area and is further described as Lots 44, 45, 46, 47 and 48 in Block 38 of C. L. Carr's Subdivision on the north half of the northeast quarter of Pueblo Lot 1154, according to map thereof filed in Book 14, Page 83 of Deeds of the Office of the County Recorder in San Diego, September 16, 1871. (SED-87-0840. District-8.)

**Subitem-A: (R-88-) FILED AS A RESULT OF SUBITEM-B
BEING DEEMED DENIED**

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-87-0840 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-88-) DEEMED DENIED

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - SED-87-0840

COUNCIL ACTION: (Tape location: A571-B210; C052-D146.)

Hearing began at 11:33 a.m. and recessed at 11:51 a.m.

Testimony in favor of the appeal by Jesse Albritten, Fred Baker and Verna Quinn.

Testimony in opposition of the appeal by Tim King.

Hearing reconvened at 2:15 p.m. and halted at 3:08 p.m.

MOTION BY FILNER TO GRANT THE APPEAL AND DENY THE PROJECT.

Second by McCarty. Failed by the following vote:

Wolfsheimer-yea, Roberts-nay, McColl-not present, Pratt-nay, Struiksma-not present, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

(NOTE: Planning Commission's decision upheld.)

ITEM-334: (O-88-182) INTRODUCED, TO BE ADOPTED MAY 9, 1988

A boundary amendment to the Resource Protection Overlay

Zone (RPOZ) Chapter X, Article 1, Division 4, Section 101.0462 of the San Diego Municipal Code to add remaining floodways and 100-year floodplain areas (within the City of San Diego) as identified in the Federal Emergency Management Agency (FEMA) maps, Panel Nos. 1350, 1363, 1636, 1650, on file in the Office of the City Clerk.

This proposal is designed to extend RPOZ floodplain applicability to all areas of the City annexed after January 1, 1980, except Daley Island. These areas were not included in the FEMA maps for the City of San Diego at the time the RPOZ Ordinance was originally adopted.

The floodplain regulations under RPOZ are designed to limit the channelization or other alteration of rivers and streams (located within the mapped floodway boundaries) and to limit permanent structures and filling, in the mapped 100-year floodplain. The Resource Protection Overlay Zone is an interim ordinance (18 months) which was adopted by City Council on September 14, 1987.

(Various City areas.)

Introduction of an Ordinance amending the San Diego Municipal Code pertaining to the Resource Protection Overlay Zone.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: D146-320.)

Hearing began at 3:08 p.m. and halted at 3:21 p.m.

Testimony in opposition by Walter Urbach.

MOTION BY McCARTY TO INTRODUCE, TO BE ADOPTED MAY 9, 1988.

Second by Wolfsheimer. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: CONTINUED TO MAY 31, 1988

(Continued from the meeting of February 9, 1988, Item 332 D, E and F, at Council Member Henderson's request, for the Pacific Beach Planning Group to review the request.)

Matters of the following accelerated variance requests from the Interim Development Ordinance (IDO):

- a) A variance request from the Interim Development Ordinance (IDO) to construct 4 units (three new, one replacement). The subject property is located at 854 Reed Avenue and is described as Assessor's Parcel No. 423-122-14. The R-1500 zoned site is within the Pacific Beach Community Plan. Case-87-3026 (Accelerated) (District-6.)
- b) A variance request from the Interim Development Ordinance

(IDO) to construct a 4 unit condominium on a 6000 square foot lot (removing a single family dwelling). The subject property is located at 1368 Reed Avenue and is described as Assessor's Parcel No. 423-173-20. The R-1500 zoned site is within the Pacific Beach Community Plan.

Case-87-4007 (Accelerated) (District-6.)

- c) A variance request from the Interim Development Ordinance (IDO) to construct 4 multi-family resident units. The subject property is located at 1531 Missouri Street and is described as Assessor's Parcel No. 416-402-04. The R-1500 zoned site is within the Pacific Beach Community Plan.

Case-87-3044 (Accelerated) (District-6.)

Subitem-A: (R-88-)

Adoption of a Resolution granting or denying the variance request for Case-87-3026 with appropriate findings to support Council action.

Subitem-B: (R-88-)

Adoption of a Resolution granting or denying the variance request for Case-87-4007 with appropriate findings to support Council action.

Subitem-C: (R-88-)

Adoption of a Resolution granting or denying the variance request for Case-87-3044 with appropriate findings to support Council action.

FILE LOCATION: ZONE IDO Variances Case-87-3026

COUNCIL ACTION: (Tape location: C009-050.)

MOTION BY HENDERSON TO CONTINUE TO MAY 31, 1988 TO ALLOW THE PACIFIC BEACH PLANNING GROUP TIME TO REVIEW THIS REQUEST.

Second by McCarty. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-336:

(Continued from the meetings of January 26, 1988, Item 332, and March 22, 1988, Item 339 B and C; last continued at Council Member Henderson's request, to await the recommendations from the Community Planning Group.)
Matters of the following accelerated variance requests from the Interim Development Ordinance (IDO):

- a) A variance request from the Interim Development

Ordinance (IDO) to construct a 2-unit multi-family project. The subject property is located at 5919 Mildred Street and is described as Assessor's Parcel No. 436-421-03. The R-1000 zoned site is within the Linda Vista Community Plan.

Case-87-2291 (Accelerated). (District-6.)

- b) A variance request from the Interim Development Ordinance (IDO) to construct a 3-unit condominium project. The subject property is located at 3987 Lamont Street and is described as Assessor's Parcel No. 424-504-24. The R-1500 zoned site is within the Pacific Beach Community Plan.

Case-87-2031 (Accelerated). (District-6.)

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Subitem-A: (R-88-2144) ADOPTED AS RESOLUTION R-270785
GRANTING THE VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-87-2291 with appropriate findings to support Council action.

Subitem-B: (R-88-2145) ADOPTED AS RESOLUTION R-270786
GRANTING THE VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-87-2031 with appropriate findings to support Council action.

FILE LOCATION:

Subitem-A - ZONE IDO Variance Case-87-2291

Subitem-B - ZONE IDO Variance Case-87-2031

COUNCIL ACTION: (Tape location: D320-534.)

Hearing began at 3:21 p.m. and halted at 3:34 p.m.

Testimony in favor of Subitem-A by Greg Bianco.

Testimony in favor of Subitem-B by Richard Frago.

MOTION BY HENDERSON TO GRANT THE VARIANCE FOR SUBITEM-A. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HENDERSON TO GRANT THE VARIANCE FOR SUBITEM-B. Second by Roberts. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea,

Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337: CONTINUED TO OCTOBER 11, 1988

(Continued from the meetings of January 5, 1988, Item 339, January 19, 1988, Item 336, and March 22, 1988, Item 337; last continued at Council Member Struiksmas request, for further review.)

MESA DEL SOL Project (Case-86-0613)

Rezoning the 84.5-acre site from Zone A-1-10, R1-5000, R-3000 and Hillside Review Overlay to Zones R1-5000, R-1500 and Hillside Review Overlay; and amending the Mira Mesa Community Plan to 1) Redesignate the 84.5-acre site from Commercial Recreation, Low (5-9 du/ac) and Low Medium (10-15 du/ac) density residential to Medium Low (16-29 du/ac) density residential; 2) Reclassify Black Mountain Road from a four-lane major to a six-lane primary arterial between Galvin Avenue and Los Penasquitos Canyon bridge; and 3) Reclassify Capricorn Way from a four-lane major to a four-lane collector between Westview Parkway and the western boundary of the subject property.

The subject property is located east and west of Black Mountain Road, north of Galvin Avenue, and is further described as Lots 1-297, Mesa del Sol, Tract 9407. (Case-86-0613. District-5.)

Subitem-A: (R-88-1145)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-0613 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-88-92)

Introduction of an Ordinance for R-2000 Zoning.

Subitem-C: (R-88-1128)

Adoption of a Resolution amending the Mira Mesa Community Plan affecting property east and west of Black Mountain Road and north of Galvin Avenue.

Subitem-D: (R-88-)

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives and

statement of overriding considerations pursuant to
California Public Resources Code Section 21081 in
connection with Environmental Impact Report EIR-86-0613.

FILE LOCATION: LAND - Mira Mesa Community Plan

COUNCIL ACTION: (Tape location: D534-E190.)

MOTION BY STRUIKSMA TO DIRECT STAFF TO PREPARE A RESOLUTION FOR COUNCIL CONSIDERATION PLACING THE SUBDIVIDER IN DEFAULT FOR FAILURE TO PERFORM UNDER THE SUBDIVISION AGREEMENT OF MESA DEL SOL. "FOR CLARIFICATION, LET THE RECORD REFLECT THAT THIS MOTION PERTAINS TO THE CURRENT SUBDIVISION MAP THAT IS CURRENTLY RECORDED AS IT RELATES TO THE TENTATIVE MAP THAT HAS BEEN PREPARED AND APPROVED BY THE SUBDIVISION REVIEW BOARD, THE PLANNING GROUP, THE PLANNING DEPARTMENT AND THE PLANNING COMMISSION. MOVE THAT A CONTINUANCE BE GIVEN UNTIL OCTOBER 11, 1988, ALLOWING FOR THE OPPORTUNITY, SHOULD IT ARISE, OF SUCCESSFUL RESOLUTION TO THAT LITIGATION. DIRECT MANAGER TO COME BACK TO COUNCIL ON THE AFOREMENTIONED DATE, BUT SIMULTANEOUSLY SET INTO MOTION, A PROCESS BY WHICH THE MANAGER CAN PREPARE THE NECESSARY DOCUMENTS TO BRING BACK TO COUNCIL TO PURSUE THE DEFAULT PROCESS WHICH WOULD BRING US, EVENTUALLY, MONIES THAT WERE POSTED IN THE BOND FOR MESA DEL SOL THAT COULD GO TOWARD COMPLETION OF BLACK MOUNTAIN ROAD." Second by Filner.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

ITEM-ND-1: (R-88-2073) ADOPTED AS RESOLUTION R-270787

Adoption of Resolution Proclaiming Saturday, April 23, 1988

"Lao New Year Celebration Day: in the City of San Diego."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E190-200.)

MOTION BY PRATT TO ACCEPT THE ITEM FOR CONSIDERATION. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY PRATT TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

PUBLIC COMMENT:

NONE.

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor
O'Connor at 3:52 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E204).